

REMARKS

Claim 7 has been amended to remove an obvious duplication informality. Claims 16-21 have been added. Claims 1-5, 7-15 and 16 -21 are therefore presently pending, Claims 1-5 and 7-15 having been withdrawn. Claim 6 has been canceled. Reconsideration is respectfully requested.

AMENDMENT OF APRIL 6, 2004

In response to the Office Action mailed on October 6, 2003, Applicant mailed an Amendment on April 6, 2004 (hereinafter "Amendment"), in which independent Claim 1 and various others of the originally-filed claims were amended, and in which Claim 6 was canceled.

Although not stated explicitly in the Amendment, Applicants' file indicates that formal drawings were mailed to the Patent Office on June 18, 2001. The drawing objection in the October 6, 2003 Office Action should therefore be moot.

WITHDRAWN CLAIMS

On August 30, 2004, a Notice of Non-Responsive Amendment (hereinafter "Notice") was mailed in response to the Amendment. The Notice correctly states that the originally presented claims did not recite some limitations which were added in the Amendment. The Notice further states that because Applicants received an action on the merits for the originally-presented claims, the amended claims as presented in the Amendment are withdrawn from consideration as being directed to a non-elected invention. This withdrawal of Claims 1-5 and 7-15 (Claim 6 having been canceled by the Amendment) from consideration is respectfully traversed for the reasons given below.

The Notice states that “[t]he two inventions are related as subcombinations disclosed as usable together in a single combination.” As best understood, this statement appears to be incorrect. In particular, amended Claim 1 (presented in the Amendment) recites every element of original Claim 1. Amended Claim 1 further limits original Claim 1 by specifying that the “information” recited in original Claim 1 is “advertising information”, and by specifying further functional limitations of the “master interface system” recited in original Claim 1. Amended Claim 1 includes literally all of the subject matter of original Claim 1, plus the aforementioned further limitations. Applicants therefore cannot see how original Claim 1 and amended Claim 1 can be considered to be “related as subcombinations disclosed as usable together in a single combination”, as alleged in the Notice.

More specifically “[a] combination is an organization of which a subcombination or element is a part.” *MPEP* §806.05(a). Inasmuch as all of the subject matter of original Claim 1 is included literally in amended Claim 1, together with the aforementioned additional material added by the Amendment, Applicants submit that the original and amended versions of Claim 1 are not “subcombinations disclosed as usable together in a single combination.” Rather, and to the extent that combination/subcombination terminology could even be considered applicable to the original and amended versions of Claim 1, Applicants submit that amended Claim 1 would be a combination, and that original Claim 1, as literally contained within amended Claim 1, would be a subcombination within the combination defined by amended Claim 1.

Combination and subcombination inventions are not distinct unless the combination as claimed “does not require the particulars of the subcombination as claimed for patentability”. *MPEP* § 806.05(c)(A). So the inventions are not distinct unless the “combination as claimed does not set forth the details of the subcombination as separately claimed”. *MPEP* §806.05(c)I.

As mentioned above, amended Claim 1 (combination) sets forth literally all of the subject matter of original Claim 1 (subcombination). Accordingly, original Claim 1 and amended Claim 1 cannot properly be considered to be distinct.

If there is no evidence that the combination is patentable without the details of the subcombination, then restriction should not be required. *MPEP §806.05(c)II*. As indicated above, amended Claim 1 further limits the “information” recited in original Claim 1, and also further limits the “master interface system” recited in original Claim 1. So the very linguistic structure of the amended Claim 1 combination clearly relies on the details of the original Claim 1 subcombination. Amended Claim 1 could not even be considered coherent, much less patentable, without the details of original Claim 1. Restriction should therefore not be required.

Finally, restriction between claims should never be required if the claims are simply different definitions of a single embodiment of the invention, varying in breadth or scope of definition. *MPEP §806.03*. Amended Claim 1 and original Claim 1 are different definitions of, for example, the embodiment of FIGURE 9A, and so are merely definitions of the same subject matter which differ in their respective scopes of definition. Restriction should therefore not be required.

In view of the foregoing discussion, it is submitted that the withdrawal of Claims 1-5 and 7-15 in the Notice is improper, and that those claims should be accorded full examination on the merits. Moreover, those claims are believed to distinguish patentably over the references applied against original Claims 1-5 and 7-15 in the October 6, 2003 Office Action for at least all of the reasons provided in the “Remarks” section of the Amendment.

NEW CLAIMS

Newly added Claim 16 recites in independent form all of the elements from original Claim 1. Claim 15 further recites that the master interface system stores the information that the display subassemblies present to the customer, and that the master interface system downloads an update of the information from a central office system. The update includes only information determined at the central office system to be different than the information already stored on the master interface system. This feature of Claim 16 (and of Claims 17-20 which depend from Claim 16) has not been found to be taught or suggested in the cited references, taken individually or in combination.

Regarding the official notice taken in the Office Action of October 6, 2003 that the use of cache memory is well known in the art, note that the update which is downloaded by the master interface system of Claim 16 includes only information that is determined at the central office system to be different than the information already stored on the master interface system. In a conventional caching situation, the source (main memory) from which the new information (new cache entry) is received does not make any determination that the new information is different than information already stored in the cache. Rather, a data processor attempts to access the cache, determines that a cache miss has occurred, and then accesses main memory to obtain the missing information. So the determination that different information is needed is made at the cache-end of the system, not at the main memory-end of the system. The main memory-end merely services a request for information, which request is made by the cache-end when the cache-end determines that a cache miss has occurred and different information is needed. Accordingly, the aforementioned Claim 16 feature, downloading an update that includes only information determined at the central office system end to be different than the information

already stored at the master interface system end, is clearly different from conventional caching operations.

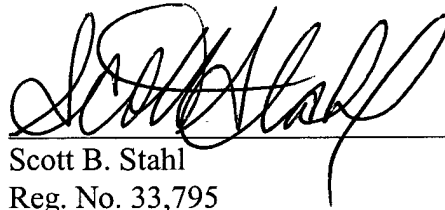
Independent Claim 21 includes all of the elements of original Claim 1, and also recites that the master interface system is physically attached to one of the fuel dispensers and transmits information wirelessly to at least one of the display subassemblies. Claim 21 also recites that the master interface system logs in to a central office system and downloads an update of the information wirelessly from the central office system. The recited combination of a master interface system that (1) is physically attached to one of the fuel dispensers, (2) transmits information wirelessly to at least one of the display subassemblies, and (3) downloads an update of the information wirelessly from a central office system, has not been found to be taught or suggested by the cited references, taken individually or in combination.

CONCLUSION

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues, the Examiner is invited to telephone the undersigned so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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Date

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